



General Management Plan Amendment/ Draft Environmental Impact Statement

Stiltsville Management

EXECUTIVE SUMMARY

Biscayne National Park encompasses a large portion of Biscayne Bay and the offshore waters south of Miami in Miami-Dade County, Florida. The park's established boundary includes approximately 173,000 acres. The area that includes Stiltsville was included in a boundary expansion of the park in 1980. In 1985, the submerged lands on which the structures were built were deeded to the federal government as part of Biscayne National Park. The park preserves a unique, sensitive marine environment that is an important component of the south Florida ecosystem and economy. In the northern portion of the park, exist seven structures constructed on pilings collectively referred to as Stiltsville. The first structure was constructed in the 1930s, and the number of structures rose to a peak of 27 by the 1960s. Natural events such as hurricanes and storms reduced the number to 14 by 1976 when the State of Florida entered into leases for the lands on which the structures existed with private individuals and groups. After Hurricane Andrew destroyed 7 structures, 7 structures remained; none of which existed during the area's heyday. The National Park Service honored the leases on these structures until they expired in 1999. Since then various agreements between former leaseholders and the National Park Service have been in place until a decision for use and management of the area is developed.

PURPOSE AND NEED

The purpose of the GMPA/DEIS is to evaluate the effects of several alternatives for the long-term management of the Stiltsville area to ensure the protection of resources and public safety while allowing a range of recreational opportunities to support visitor needs. In 1980, Congress expanded the northern boundary of Biscayne National Monument and redesignated the area as a national park. However, the submerged lands within the expansion area were owned by the state of Florida until 1985 when they were transferred to the federal government. The leases for the Stiltsville structures held by organizations and private individuals then became the responsibility of the National Park Service. Biscayne's 1983 general management plan stated that the leases were non-renewable and that the structures would be removed at the leaseholders expense when the leases expired in 1999, mirroring the language of the leases. Because of the high level of public interest in the future of Stiltsville, the federal government and the leaseholders have entered into a series of standstill agreements and settlement agreements. Currently the National Park Service is managing the use of the structures under special use permits. Past use of the Stiltsville structures has been limited exclusively to the individuals and organizations that held leases and to their guests. Changes in the management and use of these structures presents an opportunity for the park to enhance its mission to bring about awareness of the unique natural and cultural resources and history of the bay to visitors who would otherwise have limited access to the marine environment.

The expressions of support to use the structures for education, visitor services, and enjoyment have led the National Park Service into a multi-stage planning process to identify future public uses. The first phase of the planning process was the creation of the Stiltsville Committee of the National Park System Advisory Board. The development of the GMPA/DEIS marks the second phase of this effort. The amendment to the general management plan is needed to define the strategies that will allow for diverse public use of Stiltsville while protecting the resources of the park, in particular those immediately adjacent to the structures and within the Safety Valve area. Due to benign neglect in recent years, the structures are in various degrees of disrepair. The amendment will require that structures be rehabilitated to protect the health and safety of visitors to the structures using sustainable, environmentally compatible design principles. The amendment will also establish a framework that would allow the structures to become financially self-supporting. Specific issues that are addressed in the plan include: Minimizing resource damage to the sensitive estuarine environment from motorized boat access to the structures, other uses of the structures, and the presence and handling of waste and hazardous materials on the structures. The capability and suitability of the structures to support public use. Removal of the structures in the event of significant damage resulting from storms, fire, or other non-maintenance related situations, following a process to determine whether structures should be removed or repaired. Management of the structures that could allow them to be financially self-supporting.

THE PARK PURPOSE, MISSION, AND SIGNIFICANCE

The purpose, mission, and significance of Biscayne National Park, based on the park's enabling legislation, provide the general direction for each alternative. Statements of the park's purpose, mission, and significance currently are being revised in association with a full update to the park's general management plan that is not yet in draft form and has not been released for public comment. (Statements of this type were not included in the park's current general management plan, which was prepared in 1983.) The draft statements are reproduced below to provide adequate background when examining the summary of the alternatives and the environmental consequences.

Purpose

According to the park's legislation, the purpose of Biscayne National Park is "to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty." The same statement is proposed as the park purpose statement in the updated general management plan.

Mission Statements

In the updated general management plan, the three missions of the park are defined:

- Conserves the rare combination of Florida coral reefs and keys, estuarine bay, mangrove coast, the wildlife, associated habitats, and the historic elements contained within them.
- Exemplifies responsible stewardship and fosters responsibility and stewardship within others.
- Enables visitors to experience tranquility, scenic vistas, compatible recreation, and the underwater environment.

Significance Statements

Biscayne National Park is significant in that:

- The park's fabric of Florida coral reefs and keys, estuarine bay and mangrove coast is an integral part of the south Florida ecosystem and the wider Caribbean community providing a place where diverse, temperate and tropical species mingle.

- Consistent with the park purpose and values, and the National Park Service Organic Act, visitors enjoy opportunities for a multitude of recreational activities in proximity to one of the country's major metropolitan centers.
- Visitors find inspiration in Biscayne's tranquility, solitude, scenic vistas, underwater environment, and the sounds of nature's voices.
- The park encompasses the northernmost extent of fragile and dynamic Florida coral reefs and coastal systems and is characterized by transitions in the physical and biological environment.
- The park preserves a largely undisturbed gene pool of tropical and subtropical flora.
- The park provides a rare opportunity to experience largely undeveloped Florida Keys surrounded by clear tropical waters and fresh sea breezes.
- The park preserves unique marine habitats and nursery environments that are capable of sustaining diverse and abundant native fisheries.
- The cultural history found in the park is inextricably linked to the natural environment.
- The submerged and terrestrial resources represent a continuum of rich history and a melding of diverse cultures from prehistoric times to today.
- The park offers outstanding opportunities for education and scientific research due to the diversity, complexity and interrelatedness of the natural and cultural resources and provides a dynamic laboratory for study and learning.

ISSUES

Public scoping identified several environmental issues that should be addressed in the GMPA/DEIS. The National Park Service interdisciplinary team identified the following issues through public meetings, internal and external scoping, and meetings with stakeholders. Each issue is analyzed in the environmental impact statement:

Water quality

Biological resources

Endangered or threatened species

Ecologically critical areas

Cultural resources

Visitor experience and safety

Soundscape

Visual resources

Park operations

Socioeconomic resources

OVERVIEW OF ALTERNATIVES

Four alternatives were analyzed for impacts of actions on the environment and are described briefly below. The "Alternatives" section provides a complete description of the alternatives.

Alternative A: Proposed Action –Non-Profit (IRS 501 (C) (3)) Organization Development and Management to Provide for Public Use

Under Alternative A, one or more organizations or individuals may create a non-profit organization under the regulations of the Internal Revenue Service and non-competitively enter into an appropriate arrangement with the National Park Service for the management and use of the Stiltsville structures. The Stiltsville organization would develop, manage, and maintain the seven existing Stiltsville structures to provide broad public access and diversity of use consistent with National Park Service policy and best management practices for environmental protection.

Alternative A would include a mix of uses that may include:

Public functions and services including non-profit organization functions, public and private education programs, scientific research activities, an artist-in-residence program, professional meetings and retreats, and rustic campsites. National Park Service functions, including interpretation, resource management, and ranger activities. Public functions may be provided by other entities through agreements with the Stiltsville organization. The organization would seek donated funds and grants from a wide variety of people and organizations or funds from entities participating with the organization to repair, rehabilitate, and operate the buildings at Stiltsville to support the intended uses. They may also generate funds for these purposes through user fees.

User Capacity

A user capacity would be set for each structure according to the type of designated use.

Protecting Park Resources

Measures would be employed to minimize the effects of use of the structures on the environment. Water access to the sites would be limited to a specific number of boats, to specific types of user groups, or to vessels operated by trained persons to navigate the fragile environment. This plan would encourage the use of four-cycle or direct fuel injection engines and non-fossil fuel oils on boats to minimize the amount of pollution being emitted into the air and water. Best management practices during construction, operations, and maintenance of the structures would minimize adverse impacts on park resources. For example, users of the structures would not be allowed to store hazardous or toxic materials on the structures except in limited quantities. Non-toxic construction materials would be used during rehabilitation of the structures. Sanitary wastes would be strictly controlled and appropriate storage and disposal methods employed.

Conditions for Removal

The plan would provide a decision framework for determining whether a structure should be removed or rehabilitated in the event the structure was severely damaged in a storm or other event.

Protecting Health and Safety

Regulating the proper storage and disposal of hazardous materials, sanitary wastes and trash would further protect public health and safety. The structures would be rehabilitated, based on relevant building codes, using designs that would provide adequate protection for users of the structures, including visitors with physical disabilities. The potential for increased presence of National Park Service law enforcement in the northern portion of the park would further enhance protection of the public.

Sustainable Environmentally Compatible Design

Renovation of the structures would be accomplished using materials that are non-toxic to the environment. Design elements such as wastewater storage systems and solar power would be employed to enhance the environmental compatibility of the structures.

Financial Responsibility

Uses of the structures would be financially self-sustaining. Agreements between the Stiltsville organization and partnering organizations would be executed to ensure that management and maintenance costs are borne by the user organizations, or some of the costs could be borne by the organization with the exception of the structure(s) utilized by the National Park Service. Fees may also be retained to help offset costs of operations. The organization would bear the initial costs to renovate the structures. Depending on the intended use of the structure renovation would range

from primitive facilities with minimal or no services to structures that could provide visitors with potable water, bathrooms, minimal lighting or running water. The costs for renovation would range from \$200,000 to \$500,000 per structure.

Alternative B: National Park Service Development and Management to Provide for Public Use

Under Alternative B, the National Park Service would renovate, manage, operate, and maintain the seven existing Stiltsville structures. The range of uses and costs under this alternative would be similar to Alternative A, including the availability of some structures for use by private individuals or groups through a park reservation system. User capacity, conditions for removal (hurricane damage or fire) and actions related to protecting resources, protecting public health and safety, and sustainable environmental design principles would be similar to Alternative A.

Alternative C: Competitive Leasing to Provide for Public and Private Use

If an acceptable non-profit organization cannot be found, this alternative would become the preferred. The Stiltsville structures, with the possible exception of one structure designated for National Park Service use, would be competitively leased for private use based on current authorities (36 CFR, Part 18 as amended by regulations published in the Federal Register on December 27, 2001). The National Park Service would issue, approve, monitor, and enforce the leasing program. All potential future lessees, including the former leaseholders, would compete on the same basis for the right to lease these structures. The purposes for which the structures could be leased would be similar to the range of uses defined in Alternative A, as well as for private uses similar to those under the former non-renewable leases. The Request for Proposal would include scoring factors weighted towards responses from individuals or groups that would use the structures for park mission type purposes.

As in Alternative A, the National Park Service could exercise the option of renovating, operating, and maintaining one structure to establish a presence in this northern portion of the park to monitor and enforce the leasing program and provide user information and limited interpretive programs. If a sufficient number of lease proposals are not received that would allow for public use or designate uses that meet the park mission, then leases could be granted to individuals or groups for their exclusive use. The nature and frequency of use by these groups would not differ substantially from practices that have occurred since 1985 when the National Park Service acquired the land on which the structures are built. All future leaseholders, regardless of type of use, would be responsible for renovating, operating, and maintaining their respective structures to specified standards set by the National Park Service. Costs for renovation would be similar to the costs under Alternative A. Leaseholder responsibility would also include the purchase of liability insurance and the costs of repairs and maintenance of these structures. Leases would include the following types of stipulations:

The leased premises would be used only for purposes prescribed in the lease.

The lessee would not expand the size or footprint of the structure.

The lessee would agree to maintain the structure in a reasonably sound, livable, and attractive condition and would be required to meet state and federal health and safety codes.

Alternative D – No Action – Removal of Structures

Under this alternative, at the end of the Special Use Permit or any extension of that agreement, the National Park Service would require the implementation of the provision contained in all the non-renewable leases at Stiltsville that calls for the removal of all man-made structures from Stiltsville. Demolition of the structures and removal of material would adhere to standards set by the National Park Service. These would include operation and anchoring of barges, containment of

silt and minimization of bay bottom disturbance, and containment of demolished material. Standards would ensure the least damage to park resources. Management and operations within the northern portion of the park would occur similar to current conditions. Operations for all division functions including Resource and Visitor Protection, Interpretation, Resource Management, Science, and Maintenance would originate from park headquarters and the Dante Fascell Visitor Center, the park's visitor center. These are located at Convoy Point in the southwest part of the park, approximately 22 miles from Stiltsville. Staff would access the site and conduct park operations in the Safety Valve area from boats after traveling for Convoy Point. This would include transport of equipment and staff and would involve minimum response times to needs in the area from 30 to 60 minutes. Contact with visitors in the Safety Valve area would take place intermittently when staff are available in the area. Interpretation of resources that are present in and important to this portion of the park would take place at the Dante Fascell Visitor Center. Bay resources such as seagrass beds that have been disturbed or degraded by the long-term presence of the structures would be restored or, where feasible, allowed to return naturally. Costs to demolish the structures and remove materials would range from \$100,000 to \$150,000 per structure depending on the structure's size and location.

Environmentally Preferred Alternative

The environmentally preferred alternative is defined by the Council on Environmental Quality (1978) as the alternative that best meets the criteria or objectives set out in Section 101 of the National Environmental Policy Act. The environmentally preferred alternative best meets the following requirements:

- Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
- Ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings.
- Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences.
- Preserve important historical, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
- Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
- Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

The environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment — the alternative that best protects, preserves, and enhances historic, cultural, and natural resources. This discussion also summarizes the extent to which each alternative meets Section 102(1) of the National Environmental Policy Act, which asks that agencies administer their own plans, regulations, and laws to be consistent with the policies outlined above to the fullest extent possible.

Alternative A would satisfy the majority of the six requirements detailed above. Implementation of the alternative would offer protection of the surrounding bay environment through implementation of best management practices for maintenance and operations of the structures and through controlled access to and use of the structures. Operating requirements would include recycling and use of renewable energy sources. Additionally, increased public education and enhanced research would improve the public's knowledge and appreciation of Biscayne Bay. The Stiltsville non-profit organization would act to improve the structures to enhance public safety and access

to the structures within the surrounding seascape, and would provide a wide range of beneficial public uses for civic and youth groups, the general public, the research and education communities, and National Park Service park administration. This would occur in a manner that was sustainable within the bay environment. Through enhanced access for the general public regardless of affiliation with a particular group, a broad range of community members would be able to visit and benefit from the Stiltsville structures and their location within a protected natural environment. Alternative B would have impacts on park resources and visitor use and experience at Biscayne National Park very similar to those described for Alternative A. Management of the site by the National Park Service would place a greater portion of the costs of rehabilitation and operations on the federal government.

Alternative C would also have impacts on park resources and visitor use and experience similar to those described in Alternative A; however, realization of many of the public benefits described in Alternative A would depend on viable bids to provide public access being offered to and accepted by the National Park Service from private individuals or entities. A high number of leases offering services similar to those provided under Alternative A would result in broad public benefit. Leases that provide only exclusive private use would serve to limit public access and thus the public benefit that would be provided by the Stiltsville structures.

Alternative D would remove the structures and would provide the greatest potential to restore the bay's natural resources and protect them over time. However, to many in the Miami community, Stiltsville is an important and distinctive icon of past and present life in south Florida. The symbol and the structures of Stiltsville have varying meanings within the community, ranging from a reminder of the old social club era to a contemporary "quirky" element of today's Miami. This alternative would remove the structures from the surrounding seascape and eliminate the contribution many feel that they make. Removal of the structures would eliminate the opportunity for the public to experience Stiltsville and learn of its stories and would reduce the opportunity to use the structures and their location to enhance public understanding and appreciation of the bay environment and Biscayne National Park.

Although Alternative A satisfies to some degree the six requirements detailed above including preservation of structures that some deem an important component of south Florida's history, Alternative D attains the widest range of beneficial uses of the environment, natural and cultural preservation, and visitor safety and enjoyment, without degradation of resources.

In conclusion, while Alternative D best meets the requirements listed above, the National Park Service recognizes the importance of and the value that can be attained by preserving the Stiltsville structures. Therefore, Alternative A is considered the preferred alternative.